

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

LISA MENNINGER,

Plaintiff,

v.

PPD DEVELOPMENT, L.P.,

Defendants.

Civil Action No: 1:19-CV-11441-LTS

**PLAINTIFF'S MOTION *IN LIMINE* PURSUANT TO FED. R. CIV. P. 37(C)(1) TO
PRECLUDE DEFENDANT'S MEDICAL EXPERT FROM TESTIFYING ON MATTERS
NOT DISCLOSED IN ORIGINAL EXPERT REPORT**

For the reasons set forth in her accompanying Memorandum in Support of this Motion ("Memorandum"), Plaintiff Lisa Menninger respectfully moves this Court *in limine* to preclude Defendant's medical expert, Dr. Martin J. Kelly, M.D., from testifying as to new opinions about Dr. Menninger during the time period covered by Dr. Kelly's original expert report in this matter (dated December 21, 2020) which were not disclosed in that original report. Rule 37(c)(1) requires exclusion of these matters because they were not disclosed in the original expert report as required by Fed. R. Civ. P. 26(a)(2)(B)(i).

Respectfully submitted,
Plaintiff Lisa Menninger,
By her attorneys,

/s/ Hampton M. Watson

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Date: March 10, 2023

CERTIFICATE OF SERVICE

I, Hampton M. Watson, certify that on March 10, 2023, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to Defendant by electronically serving its counsel of record.

/s/ Hampton M. Watson
Hampton M. Watson

LOCAL RULE 7.1 CERTIFICATION

I, Hampton M. Watson, hereby certify that pursuant to Local Rule 7.1(a)(2), Patrick J. Hannon and I, counsel for Plaintiff, conferred with Patrick M. Curran, Jr., counsel for Defendant, by phone on March 10, 2023 and attempted in good faith to resolve or narrow the issues implicated in this motion prior to its filing, but were not successful in doing so.

/s/ Hampton M. Watson
Hampton M. Watson